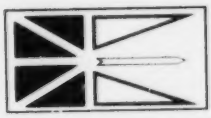
GOVERNMENT OF
NEWFOUNDLAND
AND LABRADOR



Constitutional Proposal:

"An Alternative to the Meech Lake Accord"

Submitted by
The Government of Newfoundland and Labrador
to the First Ministers' Conference
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INTRODUCTION

To facilitate constructive discussions on the 1987 Constitutional Accord ("the Meech Lake Accord") at the First Ministers' Conference on November 10, 1989, the Government of Newfoundland and Labrador has prepared detailed constitutional proposals as an alternative to the Meech Lake Accord.

These proposals address what are now commonly referred to as Quebec's five original demands which formed the basis for the negotiations leading to the Accord. They are intended to be responsive to Quebec's legitimate concerns, but at the same time reflect a compromise that would be reasonably acceptable to the majority of the people of Canada. The proposals would meet the concerns of Newfoundland and, the government believes, would also meet the concerns of Manitoba and New Brunswick and those of the millions of Canadians in other provinces whose legislators have approved the Accord.

The government looks forward to participating constructively in all future constitutional negotiations, and to encouraging meaningful public debate and the full participation of the people of Canada in deciding these important issues.

RECOGNITION OF QUEBEC AS A DISTINCT SOCIETY

Proposal of the Government of Newfoundland and Labrador

1. *The Constitution Act 1867 is amended by adding immediately after the existing preamble the following:*

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"And whereas between 1867 and 1989 there have been amendments to the Act and developments within Canada and it is now desirable to recognize:

(a) the existence of Canada as a federal state with a distinct national identity;

(b) the existence of the aboriginal peoples as a distinct and fundamental part of Canada;

(c) the existence of Canada's multicultural heritage comprising many origins, creeds and cultures;

(d) that the existence of French-speaking Canadians, centred in Quebec but also present elsewhere in Canada, and English-speaking Canadians concentrated outside Quebec but also present in Quebec, constitutes a fundamental characteristic of Canada, and

(e) that by reason of that fundamental characteristic and the use within Quebec of the civil law system, Quebec constitutes within Canada a distinct society

And whereas it is now desirable to further amend the Act in a manner consistent with such recognition.

2. The said Act is further amended by adding thereto immediately after section 1 thereof, the following section:

2(1) *In order to uphold the fundamental characteristic of Canada and preserve the distinct society of Quebec referred to in the 1989 preamble, the Senate of Canada shall, solely for the purposes set out in paragraph (2), be divided into linguistic divisions in which all senators from every province in which English is the provincial official language shall constitute the English Division and all provinces in which French is the provincial official language shall constitute the French Division and each province where, by constitutional provision, English and French are provincial official languages shall constitute a separate Division.*

2(2) Every constitutional amendment affecting linguistic or cultural rights or the civil law system including the proportion of civil law judges on the Supreme Court of Canada shall be submitted to a separate vote in each linguistic division of the Senate and no such constitutional amendment shall be deemed to have been approved by the Senate unless it shall have been approved by the majority of the whole Senate and the majority in each division of the Senate.

2(3) Nothing in this section or in the preamble derogates *from the Canadian Charter of Rights and Freedoms* or the powers, rights or privileges of Parliament or the Government of Canada, or of the legislatures or governments of the provinces, including any powers, rights or privileges relating to language.

Commentary

The government does not object to the recognition of Quebec as a distinct society and in fact has expressed support for the original Quebec request to place such recognition in the preamble of the Constitution. On the basis of language, culture and legal system, Quebec is distinctly different from any other society in Canada. That does not, however, make it distinctly different, in its status and rights as a province, from any other province in the federation. Quebec has been able and continues to be able to promote its distinctive character with its existing legislative powers and certain direct and indirect protections already guaranteed by the Constitution.

Recognition of Quebec as a distinct society in the preamble to the Constitution, would not, and should not, impact on the Charter of Rights and Freedoms or affect the distribution of legislative powers between the federal and provincial legislatures. Clearly, it would not, and should not, create a special legislative status for one province different from that of the other nine provinces.

The government of Newfoundland and Labrador cannot accept the creation of a special legislative status for one province. No federation is likely to survive for very long if one of its supposedly equal provinces has a legislative jurisdiction in excess of that of the other provinces. Moreover, the accommodation of Quebec's proposal for the constitutional recognition of its distinct society does not require the amendments with respect to the rights and responsibilities of governments set out in paragraphs 2(2) and (3) of the Constitution Act, 1867 proposed in the Meech Lake Accord.

The government of Newfoundland and Labrador therefore recommends amending the preamble of the Constitution Act of 1867 to recognize that "Quebec constitutes within Canada a distinct society." The amended preamble should also set out other fundamental characteristics of Canada which were recommended for inclusion by the Manitoba Task Force.

The approach of the government, to the recognition and constitutional accommodation of Quebec as a distinct society, reflects its view that the Canadian federation has a special characteristic. In every federation there are two essential equalities, each of which must be given a voice in the affairs of the federation. The first is the equality of each citizen, which is given a voice in the legislative chamber (in Canada, the House of Commons) elected on the basis of representation by population. The second is the equality of each constituent part (state or province) in its status and rights as a constituent part, which is given a voice in a second legislative chamber (in Canada, it should be the Senate) in which there is equal representation from each constituent part.

Canada, however, has or is perceived to have a third equality namely, the equality of each of the two founding linguistic cultures. Our constitutional challenge has always been to find a means of accommodating this third equality. Special legislative status for the province most closely connected with one of the linguistic cultures, is not an appropriate way to provide a voice for this third equality. Rather, it must be done at the national level and on a basis that is directly related to and commensurate with the need to accommodate that third equality. Most Canadians now agree to describe this third equality as a "fundamental characteristic of Canada", and most Quebecers and many other Canadians agree that it has resulted in Quebec being accepted as a "distinct society" within Canada.

In order to accommodate the third equality described above and thereby uphold the fundamental characteristic of Canada and preserve Quebec's distinct society specified in the 1989 preamble, the government recommends a special voting procedure in the Senate. The proposals set out in section 2 incorporate a veto for each of the two founding linguistic groups in respect of amendments expressly dealing with linguistic or cultural rights or the civil law system including the proportion of civil law judges on the Supreme Court of Canada, by dividing the Senate into linguistic divisions and requiring that any constitutional amendment affecting these matters be subject to a separate vote in each linguistic division. Thus no such constitutional amendments would be deemed to have been approved by the Senate unless approved by the majority of the whole Senate and the majority in each linguistic division of the Senate.

It should be noted that the linguistic divisions are based on the official languages at the provincial level. It is necessary to provide that <u>each</u> province that is by constitutional provision officially bilingual constitutes a separate Division, in order to ensure that there will be an incentive for more provinces, most notably Ontario, to become officially bilingual, and in order to ensure that there is no disincentive to Quebec becoming officially bilingual.

The government notes that the foregoing proposal could be accomplished with the existing Senate, subject to working out acceptable procedures by which, for example, the Speaker of the House of Commons, would designate a constitutional amendment as one requiring a linguistic division vote within the Senate. However, the government shares the Manitoba Task Force's view of the urgency of Senate reform, and believes that Newfoundland and Labrador and all of the smaller provinces have little or no hope of ever achieving their rightful place in the Canadian federation until Canada has a Triple-E Senate - a Senate that is elected, has equal representation from all provinces and has power to ensure that its vote will be effective. The government further believes that Senate reform should be integrated in this round of constitutional negotiations, and that the interim proposal for the selection of senators by the federal government from lists submitted by the provincial governments set out in the Accord as a new section 25 in the Constitution Act, 1867, should be deleted. To this end, a proposal to amend the Constitution to provide for a Triple-E Senate, consistent with the proposals set out above to provide special constitutional protection to Quebec, is set out in Appendix A.

To emphasize that the Canadian Charter of Rights and Freedoms is not affected by the amendments in the Accord, and for greater certainty, a reference to the Charter is added to paragraph 3 of section 2 of the Constitution Act, 1867. This also means that section 16 of the Accord is no longer required.

THE CONSTITUTIONAL AMENDING FORMULA AND PROCESS

Proposal of the Government of Newfoundland and Labrador

The government of Newfoundland and Labrador believes that extending a constitutional veto to all provinces, as a means of accommodating Quebec's request for a constitutional veto, would effectively halt all significant future constitutional change. The current amending formula is already quite rigid; the Meech Lake Accord provisions would place Canada in a permanent constitutional strait jacket.

Accordingly, as set out above in the context of section 2 of the Meech Lake Accord, the government prefers to retain, unchanged, the current constitutional amendment procedures set out in Part V of the Constitution Act, 1982, and address Quebec's special concern for constitutional protection of its distinctiveness through linguistic division votes in the Senate. Thus sections 9, 10, 11 and 12 of the Meech Lake Accord are unnecessary and should be deleted. (The government notes, however, its preference for no longer subjecting constitutional amendments relating to the extension of existing provinces into the territories and the establishment of new provinces, to the 7 and 50 rule in section 42 of the Constitution Act, 1982. Instead, they should be subject to the section 43 procedure with appropriate adjustment for the approval of the territories.)

The government further believes that urgent consideration must be given to opening up the constitutional reform process to allow for meaningful public debate and the full participation of the people of Canada in deciding these important issues. This was also emphasized by both the Manitoba Task Force and the New Brunswick Select Committee. Of particular interest is the Manitoba recommendation that ***"public hearings be held at the federal and provincial levels of government after the First Ministers develop a proposal for constitutional change and prior to the signing of the proposed constitutional change. The Task Force further recommends that if a province chooses not to hold further hearings, then the federal government should hold hearings within that province to give the public the opportunity to participate in constitutional reform."***

RESTRICTIONS ON THE FEDERAL SPENDING POWER

Proposal of the Government of Newfoundland and Labrador

s.106A(1) The Government of Canada shall provide reasonable compensation to the government of a province that chooses not to participate in a national shared-cost program that is established by *Parliament* after the coming into force of this section in an area of exclusive provincial jurisdiction, if the province carries on a *program* that *accords* with the national objectives.

(2) Nothing in this section *alters* the legislative powers of the Parliament of Canada or of the legislatures of the provinces.

(3) *Subsection (1) does not apply to any national program expressly declared by Parliament to be a response to the commitment set out in subsection (1) of section 36 of the Constitution Act of 1982.*

Commentary

For a small province like Newfoundland, it is important tc have a strong central government with the capacity to initiate and implement national social and economic programs designed to promote equal opportunity for all Canadians and to redress regional disparities. This includes national programs in areas of exclusive provincial jurisdiction whereby the federal government, while not of course administering the program, establishes firm minimum national standards and ensures that all provinces have sufficient financial resources to implement the program and adhere to those standards. The government understands the Quebec government's concern that unilateral federal action in the exercise of its spending power could encroach on exclusive provincial jurisdiction. Nevertheless, the Meech Lake provisions would so restrict or inhibit the use of the spending power that they will gravely undermine the federal government's ability and indeed act as a disincentive to establish national programs with minimum national standards.

The government proposes to amend section 106A(1) in several ways. The term "Parliament" is substituted for "Government of Canada" in recognition of the fact that the House of Commons control over government spending is a fundamental constitutional safeguard. In addition, to clarify the opting-out provisions and minimize the ambiguity of such terms as "initiatives" and "compatible", the proposal permits reasonable compensation to a province that "carries on a program that accords with the national objectives". Section 106A(2) is amended to substitute the term "alters" for "extends".

A new paragraph (3) is inserted to ensure that the federal government can continue to implement national programs with minimum national standards and full provincial participation pursuant to its constitutional commitment under section 36(1) of the Constitution Act, 1982 to *"(a) promoting equal opportunities for the well-being of Canadians; (b) furthering economic development to reduce disparity in opportunities; and (c) providing essential public services of reasonable quality to all Canadians"*. Indeed, paragraph (3) should provide an incentive to the federal government to develop such programs.

Finally, the government notes its preference for a reformulation of section 106A(1), in conjunction with the proposed s.106A(3), to provide that a national shared-cost program in areas of exclusive provincial jurisdiction would require the prior approval of at least seven provincial governments having 50% of the population.

APPOINTMENT OF SUPREME COURT JUDGES

Proposal of the Government of Newfoundland and Labrador

The government of Newfoundland and Labrador recommends that section 101C of the Constitution Act, 1867 as proposed by the Meech Lake Accord be deleted and the following substituted therefor:

s.101C (1) *Where an appointment is made in accordance with subsection (1) of section 101B of any of the judges to be appointed thereunder, the appointment shall not have effect until such time as the appointment shall have been approved by the majority of members of the Senate from the common law provinces.*

(2) *Where an appointment is made in accordance with subsection (2) of section 101B of any of the three judges necessary to meet the requirement set out in the said subsection (2), the appointment shall not have effect until such time as the appointment shall have been approved by the majority of the members of the Senate from the civil law provinces.*

(3) *If no decision is taken by the Senate within 60 sitting days of a nomination being referred to it, then the appointment shall be deemed to have been affirmed by the Senate.*

Commentary

The government is of the view that the Meech Lake Accord goes beyond what is necessary to deal specifically with Quebec's request to confirm in the Constitution a requirement that at least 3 of the 9 justices of the Supreme Court of Canada be appointed from the civil law milieu.

The government believes that it is not desirable that all Supreme Court appointments be made from a list of names submitted by provincial governments, something which effectively cedes the power to appoint judges to Canada's highest court to certain of the provinces. In addition, among other things, the Meech Lake provisions create no mechanism to break any deadlock that would inevitably occur when the federal government disagreed with the provincial nominations; they leave unspecified a fair means of distributing nominations among the Atlantic Provinces; finally, they prohibit the appointment of judges from the Northwest Territories and Yukon.

The government recommends that the constitutional protection of Quebec's civil law system including the proportion of civil law judges on the Supreme Court of Canada be provided through the special constitutional amending procedure involving linguistic divisions in the Senate, as set out in the proposed section 2 of the Constitution Act, 1867 discussed above. The government further recommends that the appointment of Supreme Court judges should take place through a reformed Senate as set out in the proposed section 101C of the Constitution Act, 1867. (Consistent with these proposals s.101B(2) would be amended to substitute the words "a civil law province" for "Quebec").

IMMIGRATION

Proposal of the Government of Newfoundland and Labrador

The government recommends that the immigration provisions of the Meech Lake Accord be seriously reconsidered and amended to accommodate more clearly Quebec's special concern for the constitutional entrenchment of its role in the selection of immigrants pursuant to the Cullen-Couture agreement. The government further recommends that clauses 2 and 3 of the political accord be deleted.

Commentary

The government is aware of the many and varied criticisms of the immigration provisions in section 3 of the Meech Lake Accord. In general, in the government's view, the provisions go far beyond Quebec's special concerns and leave Parliament with the power only to set "national standards and objectives" including establishing "general classes of immigrants", prescribing classes that are inadmissible and setting the total number for any year. On the other hand **all** provinces can henceforth conclude separate immigration agreements with the federal government which will then be constitutionally entrenched and thereafter only able to be amended by either the general amending process or ***"such other manner as is set out in the agreement."***

The government believes that this unacceptably weakens the critical federal power over immigration and the essential federal role in providing new Canadians with a sense of attachment to Canada as opposed to the particular province to which they initially immigrate. As well, the government believes that the Federal Government cannot "guarantee" that any province will get a fixed proportion of the total number of immigrants and, more specifically, that the province of Quebec has the right to exceed its fixed proportion by 5% for demographic reasons.

The government notes that the Manitoba Task Force has expressed similar concerns and recommended "that the federal government continue to play a leading role in the immigration process." But the government believes that the serious concerns that have been raised over the Meech Lake Accord provisions must be addressed now and not postponed pending a five year review as suggested by the Manitoba Task Force.

OTHER MATTERS

First Ministers' Conferences

The government of Newfoundland and Labrador recommends the deletion of the constitutional entrenchment of First Ministers' Conferences set out in sections 8 and 13 of the Meech Lake Accord.

Commentary

The government is concerned about the entrenchment of two annual First Ministers' Conferences in the Constitution as provided for in the Meech Lake Accord. In the government's view, First Ministers' Conferences are not the appropriate or effective forum in which provinces can bring provincial influence to bear on the exercise of federal power and national policies. In a properly functioning federal system where legislative power is divided between two levels of government, officials elected to provincial institutions should not be, in effect, exercising federal legislative power as inevitably occurs through the medium of First Ministers' Conferences.

Rather, the appropriate and effective forum in which provincial and regional concerns can be brought to bear on national policies is through federal institutions and, specifically, a reformed Senate. It is through an elected Senate that small provinces like Newfoundland will finally be able to take their rightful position as full participating partners in the federal state of Canada. The government is convinced that a reformed Senate, combined with a strong and resourceful Federal Government, is the only means by which regional disparities in this country will ever be corrected. Hence the government's concern to integrate consideration of senate reform in this round of constitutional negotiations.

APPENDIX A

A Draft Constitutional Amendment to Reform the Senate of Canada

Motion for a Resolution to Authorize and Amendment to the Constitution of Canada

WHEREAS the Constitution Act, 1982, duly in force and effect throughout Canada, provides that amendments may be initiated to the Constitution of Canada by resolutions of the Parliament of Canada and resolutions of the requisite number of legislative assemblies, depending on the nature of the subject matter;

AND WHEREAS the Senate of Canada was originally designed to bring to bear the provincial and regional interests in the law-making process at the national level and to provide an effective balance to representation by population in the House of Commons;

AND WHEREAS experience has shown that the Senate has not been able to perform its role effectively because the distribution of seats and the selection process of Senators have undermined its legitimacy;

AND WHEREAS a reformed Senate, if properly constituted, could perform the role originally intended for it and alleviate feelings of alienation and remoteness toward national affairs which exist, particularly in the less populous regions of Canada;

AND WHEREAS the amendment proposed in the Schedule hereto recognizes the principle of the equality of all provinces and provides new institutional arrangements to assure all regions of Canada an equitable role in national decision-making, thereby fostering greater harmony and co-operation between the governments and people of Canada;

AND WHEREAS Section 42 of the Constitution Act, 1982 provides that the subject matter of this amendment may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Parliament of Canada and of the legislative assemblies of seven provinces having fifty per cent of the population of Canada;

NOW THEREFORE the [House of Commons, or Legislative Assembly of] resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.

SCHEDULE

1. Sections 21 to 36 inclusive and Sections 51A and 53 of the Constitution Act, 1867, are repealed[1] and the following substituted therefore:

The Senate

21. The Upper House, styled the Senate, constituted by section 17 of this Act, shall be composed of members called Senators who shall be drawn from throughout Canada and elected in accordance with the provisions of sections 22 and 23.

22. (1) Each of the Provinces of Canada is at all times entitled to be represented in the Senate by 6 Senators.[2]

(2) Any province which may be created, pursuant to the provisions of the Constitution, after this section comes into force, shall on and after its creation be entitled to be represented in the Senate by 6 Senators.[3]

23. (1) Senators shall be chosen by the people of Canada through popular election in accordance with the provisions of this section.

(2) Except as otherwise provided in sub-section 5, Senators shall be elected for a term of 6 years and Senators shall be eligible for re-election.

(3) Senate elections shall be held throughout Canada on the last Monday of October every three years.[4]

(4) The first election, hereinafter referred to as "the initial election" will be held on the last Monday of October not less than one year nor more than two years after this provisions comes into force.

(5) One half of the Senators elected from each Province at the initial election shall be elected for a term of 3 years and the balance of the Senators elected at the initial election shall be elected for a term of 6 years.

(6) The Parliament of Canada may make laws in relation to the method of election, the creation of senatorial districts, and procedures for the election of Senators, including laws in relation to the financing of elections, the funding of election campaigns, and the nomination of candidates.

24. Any person is eligible to be elected as a Senator for a Province if that person:

(a) Is a Canadian citizen;
(b) Is of the full age of 18 years at the date of the election;
(c) Has been ordinarily resident within that province for an aggregate period of at least five years during the ten years immediately preceding the election and is resident within that province at the date of the election; and
(d) Is not a member of the House of Commons or a Legislative Assembly at the date of the election.

25. A Senator shall not be eligible to be a Minister.[5]

26. If a vacancy occurs in the Senate through the death or resignation of a Senator at any time before the final year of the term, then such a vacancy shall be filled by a by-election to be held within 90 days. The Senator to be elected to fill the vacancy shall be elected for the balance of the term of the Senator who vacated the seat.

27. The Senate is empowered to establish its own procedures for the election of the Speaker of the Senate and the conduct of its business.[6]

28. (1) Bills proposed to Parliament, other than Bills for appropriating money solely for the ordinary annual essential services of the government[7] or for imposing any tax or impost, may originate in the Senate equally as in the House of Commons.

(2) A Bill shall not be taken to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licences or services.

29. (1) A Bill certified by the Speaker of the House of Commons as being a Bill to appropriate money solely for the ordinary annual essential services of the government shall not be required to be passed by the Senate, if the Senate has not within 45 sitting days either passed the Bill as presented or amended it in a manner agreeable to the House of Commons.

(2) A Bill which appropriates revenue or money for the ordinary annual essential services of the government shall deal only with such appropriation.[8]

30. Neither a defeat of a government sponsored Bill, motion, or resolution in the Senate nor a specific confidence motion in the Senate shall constitute a vote of non-confidence in the government so as to require the government's resignation.

31. (1) A joint standing committee known as the Reconciliation Committee which shall be composed of ten Senators and ten members of the House of Commons is hereby established for the purpose of this section.

(2) The Senate and the House of Commons shall elect from among its members persons to be appointed to the Reconciliation Committee established pursuant to this section.

(3) Where any Bill that has been passed by one House and presented to the second House

(a) has been refused passage by the second House;

(b) has not been finally dealt with by the second House and not less than 45 sitting days have elapsed since the Bill was presented to the second House; or

(c) has been amended by the second House and the first House has duly advised the second House that it does not concur in all or some of the amendments made by the second House,

the Bill, in the form in which it was presented to the second House but with such amendments made by the second House as may be concurred in by the first House in the case of a Bill to which clause (c) applies, may be referred by the Speaker of either House to the Reconciliation Committee for the purpose of seeking to reconcile the differences and seek a mutually acceptable compromise.

32. (1) No appointment of a person to be a chairman, president, chief executive officer or director of any of the Crown Corporations, Boards or Commissions, subject to the application of the federal Financial Administration Act shall have effect until such time as the appointment of that person has been affirmed by the Senate.

(2) If no decision is taken by the Senate within 60 sitting days of a nomination being referred to it, then the appointment shall be deemed to have been affirmed by the Senate.

2. Section 47 of Constitution Act, 1982 is repealed[9].

END NOTES:

1 All the existing provisions of the Constitution Act, 1867, to do with the Senate, except sections 17, are repealed. Section 17 states "There shall be One Parliament for Canada, consisting of the Queen, and Upper House styled the Senate, and the House of Commons."

2 Six senators for each province will result in a smaller Senate compared to the current 100 member Senate. The government believes that a 60 member Senate (72 if the territories become provinces) will be sufficient to ensure an adequate pool of talent and expertise which is essential for an effective, well-functioning Senate. However, consideration could be given to maintaining the size of the Senate by requiring 10 members for each province.

3 As the second chamber is designed to provide an equal voice for each constituent part of a federation, representation in the Senate should be an incident of provincehood. Accordingly, no provision is made for senators from the Territories until one or both of the Territories achieves provincehood. Whether or not a territory become a province should however be a matter for that territory and the federal government alone and should not be subject to the approval of 7 of the 10 provinces under the general amending formula. Instead it should be subject to the section 43 amendment procedure with appropriate adjustment for the approval of the territories.

It is acknowledged that an argument can be made for having some means to ensure that the views of the Territories on issues and legislation can be made known to the Senate. This perhaps could be accommodated by having perhaps one senator from each of the territories.

4 Senate elections on the last Monday of October is purely arbitrary. Any other fixed date could be chosen.

5 In order to retain the independence of the Senate from the House of Commons and the office of the Prime Minister, a Senator should not be able to hold office in the Cabinet.

6 This section would permit, for example, the establishment of a non-partisan Senate executive council made up of the chairpersons of the 10 provincial delegations, as proposed by the Alberta Task Force on Senate Reform. It would also permit the adoption of such procedures as the following:

- Senators sitting in provincial blocks instead of party groups;
- All votes in the elected Senate being free votes;
- The political parties of the Senate caucusing separately from their party colleagues in the Commons;
- Senators in the elected Senate caucusing regularly on a cross-party regional basis.

7 The words "ordinary annual services of the government" are drawn from the Constitution of Australia, where a considerable body of experience and precedent has been established with respect to defining this term.

8 The purpose of this sub-section is to prevent the Government from by-passing the Senate on an important matter by "tacking" provisions for dealing with that matter onto a bill for appropriating revenue for the ordinary annual essential services of the government.

9 This repeals a section of the current constitutional amending formula which allows the Senate to be by-passed on certain constitutional amendments. Its repeal is essential in order to ensure an effective vote by the linguistic divisions. Otherwise such votes could be overridden by the House of Commons after six months.

NOTE: This proposal for Senate reform draws on the ideas of a draft prepared by a non-partisan and non-profit research organization active in economic and public policy studies.